



الجمعية الكويتية لحقوق الإنسان  
KUWAIT SOCIETY FOR HUMAN RIGHTS

Shadow report for Kuwait state  
**REGARDING TO KUWAIT GOVERNMENT ON  
IMPLEMENTING OF THE INTERNATIONAL  
COVENANT ON CIVIL AND POLITICAL RIGHTS**

**Kuwait Society for Human Rights**

September 2015

## INTRODUCTION:

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Kuwait Association for Human Rights is working on spreading the culture of respect for human rights and to promote awareness of international human rights instruments and the defense of all individuals whose human rights are violated. As part of the association interest on the protection and promotion of these rights.

The Association progress in this report the most important observations and recommendations about the extent of the State of Kuwait's commitment to the implementation of the Convention on Civil and Political Rights, the International Covenant date of this report...

The Association demands through this report, a number of reforms in line with the international Covenant on Civil and Political Rights, this report had been prepared a accordance to the following criteria:

- Recommendations accepted by the Kuwaiti government submitted its report to the Commission on Human Rights.
- Adapted the local laws with the International Convention on Civil and Political Rights,
- The recommendations of the workshops carried out by the Association.
- Complaints received by the Association.

Violations that are monitored by the monitoring teams in the Association.

We will try through this report to address the most important civil and political issues, which are as follows:

## 1. EQUALITY BETWEEN MEN AND WOMEN:

Although the article no 3 from the International Convention on Civil and Political Rights says that “The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant”.

But the reality is reflected in the presence of Kuwaiti legislature enacted laws distinguished between men and women on the basis of sex in some materials, including the Nationality Act, the Penal Code, the Law on Housing, and the law of personal status.

### RECOMMENDATION:

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1. Enable Kuwaiti women from granting their children citizenship without restriction or condition.
2. Granting Kuwaiti women the right to grant her foreign husband the nationality as men.
3. The Association recommends the need to harmonize national legislation with the Convention on the Elimination of All Forms of Discrimination against Women.
4. allow the children of Kuwaiti women have a legacy of their mother immovable such as real estate funds, according to the Kuwaiti Personal Status Law No. 51 of 1984 in its articles 288 289, which showed the terms of inheritance.
5. Equality to children of Kuwaiti women in pay salaries of their fellow citizens, in application of the principle of salary in exchange for the effort and not on the basis of nationality.
6. Enable Kuwaiti women of the opportunity to receive an equal housing loan like the loan received by the Kuwaiti man, without restriction or condition and without discrimination by social status.
7. Urged the Government to facilitate the procedures for women’s access to housing loans.
8. urged the government to start impalement ( the quota ) as a kind of positive discrimination in favor of women and temporary mechanism to expand the size of women’s political participation to facilitate the process of change occurring social and accept women in places of decision-making.
9. Urge the government to continue in promote and facilitate the representation of women in parliament and in ministerial positions and appointed the position of judge and remove discriminatory decisions against it to start its work as agents on behalf of, and increase the level of representation in the diplomatic missions abroad.
10. Urge the government to develop a national plan of action to give effect to Security Council resolution 1325 on women, peace and security, and implementation of awareness and the importance of the decision on the establishment of social peace campaigns.
11. Urge the government to amend the national legislation to empower women of their right to jurisdiction over their children and give them equal rights with the father to the children.

12. Amendment the list of the school system in the Ministry of Education to allow a married student to continue her education in the morning in order to ensure access to proper education.
13. Development of written language in the curriculum of dependency style and preference for men and equality and to deal with the women and men they are partners in life.

## 2. FREEDOM OF OPINION AND EXPRESSION:

Freedom of opinion and expression have fallen a lot lately, as the Kuwaiti authorities chased a number of bloggers across social networking sites who criticized the government and asked for political comments are not up to the level of incitement to violence and the government filed lawsuits against a group of them who have expressed see them claim to allow freedom of speech and writing, has also been withdrawn citizenship from a number of them.

The government has continued the policy of restrictions on freedom of expression and opinion where it was in 2014 shut down newspapers (home) and (today's world) from work for two weeks based on a decision of the interim relief judge in accordance with Article 15 of the Press Law in 2015, the authorities issued a decision to close the channel and newspaper home once and for all, and this is contrary to the provisions of Article 19 of the Covenant on Civil and Political Rights, the International Covenant.

In June 2015 Kuwait approved the internet Crimes Law (internet crime), which includes severe restrictions on the Internet.

## RECOMMENDATIONS:

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14. The government is required to raise the ceiling of freedoms of opinion and expression through the granting of independence to media organizations.
15. Demands to not harm freedom of opinion and expression through social networking sites via the Internet in accordance with local laws.
16. The government is required to abide by the treaties and international conventions ratified by Kuwait, which guarantees freedom of opinion and expression for all.
17. Amendment to combat the internet crimes, not conflicting with the privacy of individuals, the Constitution and international conventions law materials.

## 3. THE CITIZEN PRIVACY:

in 2014 the Kuwaiti authorities approved the new telecommunications law as the law permits control of the means of communication or cut without the permission of the public prosecutor or the person concerned and this is a transgression and violation of the privacy of individuals, as

approved in 2015, DNA law that gives authorities the right to take the DNA in mandatory issues of accused persons without regard to their privacy.

## RECOMMENDATIONS:

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18. Modify the new Communications Law's articles materials not inconsistent with the privacy of individuals and the Constitution and international conventions.
19. Cancel the mandatory taking of DNA from people accused of law for the infringement of the privacy of individuals.

## 4. FORCED DEPORTATION:

Despite the fact that article 13 of the International Covenant on Civil and Political Rights, says that: "An alien lawfully in the territory of a State Party to the present Covenant may be expelled there from only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority".

However, the reality is quite different in Kuwait, and the recognition of the government of the State of Kuwait through a report submitted to the Committee against Torture on 10 June 2015, The number of deportees to their original homeland 88 430 deportees from Kuwait were released 87 people and resettlement of 16 people to other countries and that in between 01.01.2013 period until 06.10.2015, within two years, the text of roughly We see that number more than that This number is a serious indicator of the size of violations against migrant workers in Kuwait, and must be recalled that the deportation of two types:

- **Judicial Deportation order:** which is a complementary penalty conviction when a foreign person of a crime and sentenced to the original punishment such as imprisonment, after the completion of the prison term the judge may decide to remove that person from the country.
- **Administrative Deportation:** what is known as a compulsory exit the issuance of an administrative decision to deport an alien from the state and not return to it without the submission of the resolution to judicial control, And not to grant the deportee the possibility of challenging the decision of expulsion which is a nightmare haunts migrant workers in Kuwait Where the legislator granting broad powers to the Ministry of the Interior on this subject within the concept of (public interest) without the presence of specific controls and a real threat of public order.. We were recently spotted by the complaints received by the Association removal of a large number of migrant workers as a result of the policy followed by the Ministry of the Interior and the reasons for the deportation were not clear. Some were simply charge without a clear condemnation Including reports of absenteeism by employers against workers work for them, and some of the irregularities traffic, and some of them for violating the internal regulations of the Ministry of Municipal like barbecues in parks or contrary to the regulations of the Ministry of Commerce and Industry, such

as working without commercial or industrial license, they have been deported without giving them the right to appeal.

## RECOMMENDATIONS:

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20. Claim the competent authorities to cancel the administrative deportation once and for all.
21. Urged the government to activate the role of the judiciary and make it the competent authority to consider the issue of deportation and to provide the necessary guarantees of the right to appeal and the statement of the reasons for deportation.

## 5. DOMESTIC VIOLENCE:

According to article 23 of the Covenant on Civil and Political Rights on the role of the family the International Covenant, and the need to protect society have, but we note the growing problem of domestic violence and for several reasons, including the prevailing stereotypes in society, but not to adopt the Kuwaiti government to legislate a clear and specific to criminalize acts of domestic violence.. And fear of the victim to submit a request, and the lack of a safe haven to protect it increased this problem, we have observed exacerbate this problem through offers of complaints to us in the Association, where most of the women who are victims of domestic violence when you contact us cannot come to make a complaint for fear aware of the relatives of those who assaulted them, The biggest problem is when the victim is a Kuwaiti ( foreign wife ) and do not have the people or people with bladders inside Kuwait. As a matter of concern for the transfer of photo-realism of the subject we were unable to get declared by the competent authorities statistics but we can infer the extent of the growing problem of domestic violence through the number of divorces that get of and increasing, according to statistics Central Statistical Office In 2013, the number of cases divorce 6904 comparing year to 2012, where he was number 6672, In 2011 the number was 6254 and in 2010 the number was 5965, if we note that divorce cases continuously increasing in each year from the previous one which gives us an indication of the lack of effective solutions to the government to address this problem.

## RECOMMENDATIONS:

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22. The Association recommend the need to adopt clear and specific legislation to criminalize domestic violence in all its forms, including amendments to the text of Article 186 of the Penal Code of Kuwait to criminalize marital rape.
23. The Association urges the competent authorities with the help battered women when submitting a communication to violence, such as providing a dedicated hotline to incidents of domestic violence and to provide them with the necessary protection.
24. The necessary to provide legal, medical and psychological assistance and rehabilitation through appropriate rehabilitation programs.

25. Urged the Kuwaiti government to provide regular training for police, prosecutors and judges on the effective investigation, prosecution and punishment of acts of domestic violence in all its forms.
26. The Association urges the competent authorities of the need to provide the necessary assistance to non-Kuwaiti women who are victims of domestic violence from their husbands Kuwaitis and their complaint is dealt with seriously through the immediate investigation and prosecution of the perpetrators and to provide remedies and to provide adequate protection for them.
27. Provide a sufficient number of shelters and care homes for all battered a family without discrimination and restrictions associated with age or marital status or citizenship.
28. The Association appreciates the efforts of the Kuwaiti Government for introducing the Family Law Court, hoping to help resolve issues and family problems.

## 6. DETENTION CENTERS AND PRISONS

According to article No 10 of the International Covenant on Civil and Political Rights, the need to treat detainees and detainees humanely, but we note piled in large numbers in detention centers and prisons, The (Talha center) for deportation is one of the worst prisons in the State of Kuwait, although it is a temporary detention center should not exceed its detention period of more than 30 days by the Prisons Act, but that many of the prisoners spend the longest periods of much sometimes up to years.. And the detention centers are generally lacked the required minimum of basic services, such as the lack of translators for migrant workers, mostly from Asian nationality, And shortness of personal space per prisoner as a result of severe overcrowding, lack of restoration of buildings in addition to the lack of outlets for ventilation and sunlight and lack of cleanliness required..

### RECOMMENDATIONS:

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29. Urged the Kuwait Government to the need to update of the legislation on the organization of prisons through its adaptation with the Standard Minimum Rules for the Treatment of Prisoners and the rules of Bangkok, and activated in a practical way on the ground.

## 7. HUMAN TRAFFICKING

According to the article No (8) of the International Covenant on Civil and Political Rights of slavery and human trafficking in all its forms, Kuwait has approved the Law No. 91 of 2013 on combating trafficking in persons and smuggling of migrants, but we note that it is not enabled the required level in the light of the spread of accommodation traders significantly, On the other hand, in light of violations against migrant workers and domestic workers because of the sponsorship system, we have observed in the Association that 92% of the complaints received by the Association

is Complaints of migrant domestic workers, which gives us concern to the size of violations of this category index and the main reason is the sponsor system and its consequences negative, while the remaining 8% are complaints submitted by Kuwaiti nationals, do not deny that the Ministry of Social Affairs and Labor, represented by the General Authority for forces 51 accused of working forwarded to exploit workers in forced labor to the public prosecutor in 2014, has also recently forwarded the 34 accused of human trafficking crimes. However, we have not seen a verdict so far on the basis of law (91/2013) on combating trafficking in persons and smuggling of migrants, where the prosecution is doing to adapt crimes and competence, and thus is adapted to these violations as the prejudice to the freedom of people and their right to travel and the lack of exploitation of forced labor or forced labor and therefore applies other laws such as the civil sector labor law or the Penal Code and other law without 91/2013.

## RECOMMENDATIONS:

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30. Urge the Kuwaiti government to launch the Law 91/2013 Special trafficking in persons and smuggling of migrants in earnest, and doubling the investigation and prosecution efforts, and to emphasize there is no impunity for the perpetrators of this crime.
31. The establishment of a special anti-trafficking of security and police officers in the Ministry of Interior crimes and the introduction of a hot line between them and human rights associations that receive complaints unit.
32. Build the capacity building of judges, prosecutors and investigators and police officers in dealing with human trafficking issues through training, conferences and workshops.
33. Urged the media to play their role in spreading awareness of dimensions of this crime and the definition of its seriousness and awareness of the most targeted groups, especially migrant workers, especially domestic workers, in order not to be victims of this crime through the media and the languages they speak.

## 8. TORTURE, CRUEL AND DEGRADING TREATMENT:

Article No (7) of the international Covenant on Civil and Political Rights confirmed not to be subjected any person to torture or to treatment or cruel, inhuman or degrading the International Covenant, and that Kuwaiti law prohibits torture in all its forms, but that does not mean the absence of violations the ground, has been spotted cases of torture and harsh treatment by security personnel against migrant workers were arrested, and the proliferation of images and video clips documenting these violations has been circulating recently. In addition, we have reached a number of complaints from people detained people with security devices benefit being tortured to record confessions against them, noting that Kuwaiti law does not count the recognition under torture, but it requires the accused to prove that he was tortured, and this is very difficult in light of two independence forensic medicine and forensic evidence as they are following the Ministry of Interior.

We have noted that the competent authorities do not deal seriously about the security men offenders punished for their abuse of power by committing acts such as cruel or degrading treatment or degrading the right of detainees and defendants, because the majority of irregularities and cases registered against them either to be saved to the fall of the offense the lapse of time (ie fall the statute of limitations), or for lack of evidence, and are either still under investigation tunable, or sufficient to sound the alarm and an opponent of the monthly salary.

## RECOMMENDATIONS:

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34. We demand the competent Authority to activating the judicial control over the security services and take the necessary measures for the protection of detainees and detainees from torture and cruel and degrading treatment authorities.
35. Demand independence for each of the two forensic medicine and forensic evidence from the Ministry of Interior and put them under the supervision of the public prosecutor to ensure impartiality in their work.
36. Urged the Government should not be impunity for each of the abusive use of power and practiced torture and cruel and degrading treatment against detainees or detainees and treatment.

## 9. CHILDREN:

Article no 24 of the Covenant on Civil and Political Rights on the Rights of the Child International Covenant without discrimination for any reason, and the State of Kuwait stated in its Constitution on duty that (State cares for young and protects them from exploitation and from moral neglect, physical and spiritual), as well as ratification of the International Convention to protect the child, but the efforts are still limited and insufficient in light of the existence of discrimination in a number of topics of interest to the child, including education, where public schools that receive only Kuwaiti students and provide them with free education.. In addition to some other groups, such as the Kuwaiti married sons of non-Kuwaitis and children of citizens of the Gulf Cooperation Council (GCC) and the children of diplomats and children of prisoners and martyrs of non-Kuwaitis and children of workers in the Ministry of Education teachers, as well as the children of faculty members at Kuwait University and the Public Authority for Applied Education and military stateless, The rest of the categories are deprived of teaching their children in public schools and therefore resort to private schools with high fees, in addition to that Law No. (8) of 2010 on the Rights of Persons with Disabilities may restrict its scope of application in Article 2, the Kuwaitis and children of Kuwaiti women married to non-Kuwaiti without the rest of the other categories, the issue of violence against children we note the existence of a legislative shortcomings in dealing with Kuwait has approved the Child Protection Act in recent times but it was not until the date of this writing is applied, hoping to speed up its implementation and protection of child rights and give full rights.

## RECOMMENDATIONS:

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37. Implementing the Child Protection Act on the ground.
38. The government is required to make education compulsory and free for all without discrimination
39. Urged the government to contribute to the reduction of private school fees, and work to raise the educational level.
40. Amend Law No. 8 of 2010 to include persons with disabilities without discrimination to obtain the necessary requirements to them.

## 10. THE STATELESS:

The problem of stateless persons in Kuwait is the most prominent problems at all levels of political, economic, social, and humanitarian, so far no serious solution to this problem, where the government is lag in pursuing in solving this issue affecting more than one hundred thousand people.

The government transferred the applications filed by stateless to a range of administrative committees sequence which has worked to avoid the settlement of these requests. We do not deny that the government has provided some privileges and services to the stateless are as follows:

- 1- Providing health care services for those with security cards issued by the central agency.
- 2- Education services to the children of military personnel and educational institutions.
- 3- Allow them to register births, marriages and deaths.

But we are still concerned over the use of excessive force and repression against stateless demonstration.

## RECOMMENDATIONS:

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41. Take proper actions to improve the stateless humanitarian and legal situation in order to gave them all their rights.
42. Give stateless a full civil and political rights in order to implement of the principle of justice and equality.
43. Solve the problem of forged passports holders who were forced to issued this passports as a result of the humanitarian situation in which they live.
44. The government should adopt an action plan to resolve the issue of stateless in general.

## 11. FREEDOM OF PEACEFUL ASSEMBLY:

Article no (21) from the International Covenant of the Covenant on Civil and Political Rights confirmed on the right to peaceful assembly,, and Article 44 of the Kuwaiti Constitution guaranteed the right of all, the law No. 65 for the year 1979 on public meetings and assemblies has been stated in Article (12) as prohibiting non-citizens participate in the processions, demonstrations and gatherings as it is stipulated prior permission from the authorities, other than those stipulated in the Kuwaiti Constitution.

We have noticed in the past years, many of the demonstrations, which began since the emergence of one vote in the parliamentary election decree, which has not thrown acceptance of a large segment of society, as many of the peaceful demonstrations organized by activists of the stateless to support their cause, But they were faced with excessive force by the security forces who arrested a number of demonstrators on charges of participating unlicensed demonstrations and infringement of the security men, Including child Habib Ali who is 14-year-old, However, most of them were released as a result of the efforts of the Kuwait Human Rights Society.

the opposition to the government, including the Islamic Constitutional Movement "Hadas", which represents the Muslim Brotherhood in Kuwait and the movement "People's Action," which spends its Secretary General, former deputy, Musallam al-Barrak, a prison sentence of two years to implement a court order, on charges of insulting the King of Kuwait Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah.

In a public speech in the courtyard of the will itself time earlier organized several peaceful rallies in the yard will close to the Kuwaiti National Assembly, most recently in the month of March 2015 was this opposition blocs have adopted several demands, including the launch of freedoms and the release of former MP Musallam al-Barrak, then the Interior Ministry banned from Square will once again assemble only after obtaining prior authorization..

## RECOMMENDATION

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45. Urged the government to take all necessary measures to guarantee the right of peaceful assembly for all, without discrimination based on prohibited grounds, including discrimination in legislation or in practice.
46. Ensure that the law enforcement authorities that violate the right of individuals to freedom of peaceful assembly accountable to face the full such violations before an independent and democratic oversight body and before the courts subject.
47. State urged to take the necessary legislative amendments and harmonization with international Laws and conventions and guidelines for the freedom of peaceful assembly.
48. Urged the Government to provide adequate training for staff involved in law enforcement with regard to respect the right to freedom of peaceful assembly.

## 12. FREEDOM OF ASSOCIATION

Article no 22 of the International Covenant on Civil and Political Rights on the right to freedom of association and the Kuwaiti Constitution stipulated in Article ( 43), and where the law 24 of 1962 on clubs and associations of public benefit is granted the right to establish associations Civil society.. However, it gives the right to Kuwaiti nationals only, without the other categories, it also provides for the need to obtain prior approval from the Ministry of Social Affairs and Labour of publicity, in addition to routine complex followed by the Ministry of Social Affairs and Labor and prolong the period of procedures that precede approval, also it gives the competent ministry discretionary power of rejection or acceptance without the right for the other party to challenge before the courts in the event of rejection, as it gives the Ministry of Social Affairs and Labor and broad powers to civil society associations, where the ministry dissolved the board members of the Kuwait Society for the basic human rights of the ingredients in November 2014.

For interfering in politics, it says, as was dissolved Governing Council of the Kuwait Transparency Society in this year, as well as for several reasons stated by the Ministry of them to join international organizations and interference in politics.

And most recently was a solution Fahad Al-Ahmad humanitarian Association and the liquidation of its property once and for all to collect donations without prior permission from the Ministry of Social Affairs and Labor, It should be noted that the associations and non-governmental organizations numbering in Kuwait almost 114 Association in various activities, and unions 46 union and unions 71 Guild.

### RECOMMENDATIONS:

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49. Urge for amendment of Law 24 of 1962 so as to allow the establishment of associations without prior permission.
50. Urge the government to grant the right of association for each person and any entity, including women, youth and persons with disabilities and vulnerable groups and victims of discrimination based on sexual orientation and non-citizens and activists of human rights defenders.
51. Facilitate and simplify the procedures leading up to the declaration of civil society organizations, and the granting of the right to appeal in case of rejection.

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